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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/092,296	06/05/1998	PATRICIA BILLING-MEDEL	6104.US.01	5920

23492 7590 11/22/2002

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EXAMINER

NICKOL, GARY B

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 11/22/2002

29

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/092,296	BILLING-MEDEL ET AL.	
	Examiner	Art Unit	
	Gary B. Nickol Ph.D.	1642	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Gary B. Nickol Ph.D. (3) Paula Friedman.
 (2) Lisa Mueller. (4) _____.

Date of Interview: 05 November 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: all.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants inquired about overcoming the utility rejection under 35 USC 101 tied to tissue specific expression. Applicants generally argued that tissue specific expression has a general utility when such expression is diagnosed or determined outside the lung. The examiner agreed to present the argument to a supervisor. Following presentation of the argument/case to a supervisor, a return phone message was left with Ms. Mueller explaining that the office policy regarding this matter was to uphold the utility rejection.